

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA**

| | | |
|---------------------------|---|-----|
| BERNADETTE VOLBERG, |) | |
| |) | |
| Plaintiff, |) | No. |
| |) | |
| vs. |) | |
| |) | |
| ALLEGHENY HEALTH NETWORK, |) | |
| |) | |
| Defendant. |) | |

COMPLAINT

Plaintiff, Bernadette Volberg, by undersigned counsel, files this Complaint stating as follows:

PARTIES

1. Bernadette Volberg (“Volberg”) resides in Penn Hills, Allegheny County, Pennsylvania. Volberg began working at Allegheny General Hospital, within AHN, on March 3, 1997. Volberg was born on November 13, 1958, and is 65 years old.
2. Defendant, Allegheny Health Network is a non-profit corporation with its address at 320 East North Avenue, Pittsburgh, PA 15212.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the present action pursuant to the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 626; 28 U.S.C. §§ 1331 and 1343.
4. Volberg filed a complaint with the EEOC on August 8, 2023. Volberg received a Right to Sue letter from the EEOC on December 29, 2023. This Complaint is timely filed.
5. Venue is appropriate in this district as the events upon which the allegations in the Complaint are based occurred within this district.

FACTUAL BACKGROUND

6. Volberg is a Registered Nurse who has worked for Allegheny Health Network as a circulator in the Operating Room since approximately 2000. Her current wages are approximately \$51/hour.

7. Volberg applied for positions within the Allegheny Health Network involving internal travel to healthcare facilities at various locations. The positions that Volberg applied for pay approximately \$85/hour. Volberg is qualified to perform each of the jobs she applied for but did not receive. Specifically, Volberg applied in 2023 for Registered Nurse positions at the Monroeville Surgery Center, the Operating Room at the Monroeville Surgery Center, and the Operating Room Travel Team. She also applied for a position at Forbes Regional Hospital.

8. Despite her history, credentials, and experience, Volberg's applications were rejected and younger candidates were selected for each position.

9. Volberg believes and therefore avers that the positions she applied for were filled by substantially younger nurses who are not as qualified for the positions as Volberg. Upon information and belief, Volberg understands that younger nurses were being recruited for the positions that Volberg has been seeking.

10. When Volberg asked why she was not selected, she was simply told in response that: "unfortunately, Talent Acquisition did not receive any direct feedback from the hiring manager so we are not sure why you were not selected."

COUNT I – ADEA AGE DISCRIMINATION

11. Plaintiff incorporates by reference the averments of Paragraphs 1-10 of the Complaint as if the same were set forth in full.

12. Defendant discriminated against Volberg because of her age, in violation of the

Age Discrimination in Employment Act, 29 U.S.C. 42 U.S.C. § 623(a)(1).

13. But for Volberg's age, Defendant would not discriminated against her.

14. Defendant's violation of the ADEA was willful.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory and punitive damages, plus costs of this action, liquidated damages, attorneys' fees, and such other relief as the Court may deem just and proper under the circumstances.

JURY TRIAL DEMANDED

Dated: March 20, 2024

Respectfully submitted,

/s Thomas B. Anderson, Esquire
Thomas B. Anderson, Esquire
PA I.D. #79990
Bordas and Bordas, PLLC.
420 Fort Duquesne Blvd., Suite 1800
One Gateway Center
Pittsburgh, PA 15222
(412) 502-5000
Email: tanderson@bordaslaw.com